

### **Remarks**

By this amendment, claims 18-25 are cancelled. After entry of this amendment, claims 1-17 and 26-45 are pending in the present application. Reconsideration in view of the requested amendments and the following remarks is requested.

Applicants' attorney discussed the Office action with Examiner Van Pelt in a telephone interview on March 31, 2004. The substance of the interview is discussed below.

#### ***I. Allowable Subject Matter***

The Office action indicates that claims 1, 12, 14, 15, 17, 26, 27 and 29-38 are allowed and that claims 16 and 39-45 are objected to but would be allowable if re-written in independent form. Claims 42 and 45 are now presented as independent claims incorporating the limitations of these claims as previously presented and should now be allowed. Claims 43 and 44 depend from claim 42 and therefore should be allowed. As explained below, during the interview the Examiner agreed that elements in claim 13 were not anticipated by the applied Rixon et al. reference. Therefore, claim 13 should be allowed. For this reason, previously objected to claims 16, 39, 40 and 41 (which depend from claim 13) should therefore be allowed. The Examiner also agreed that elements in claim 28 were not disclosed by the applied Ristau reference. Claim 28 is now presented in independent form and should therefore be allowed.

#### ***II. Rejection of Claim 13 Under 35 U.S.C. § 102(e)***

Claim 13 was rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0053254 to Rixon et al. (Rixon).

Claim 13 recites a foot pedal assembly comprising a segmented pedal support portion having a first upper segment and a second lower segment and a foot pedal carried by and *pivotally coupled* to the lower segment of the pedal support portion. As discussed and agreed upon in the telephone interview, Rixon does not anticipate claim 13 because the foot pedal assembly of Rixon comprises a pedal 120 that is secured in a non-pivotal coupling to its respective pedal support (lever 118 and mechanism 122), as shown in FIG. 1 of Rixon. The rejection of claim 13 should therefore be withdrawn.

Claims 16 and 39-41 depend from claim 13 and should be allowed along with claim 13.

### ***III. Rejection of Claim 28***

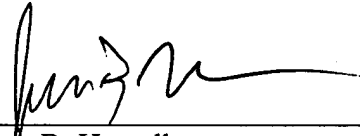
Claim 28 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious from U.S. Patent No. 3,288,239 to Ristau and Rixon. As discussed and agreed upon in the interview, Ristau fails to show a pedal support having an upper end portion that is pivotally coupled to an intermediate portion, as recited in claim 28. As best shown in FIG. 2 of Ristau, Ristau's support 50 has an upper end portion that is secured to an angled intermediate portion in a non-pivotal coupling. The rejection of claim 28 should therefore be withdrawn. Claim 28 has been re-written in independent form incorporating the limitations of this claim as previously presented and should now be allowed.

**IV. Conclusion**

The present application is in condition for allowance and such action is respectfully requested. If any further issues remain concerning this application, the Examiner is invited to call the undersigned to discuss such matters.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By   
\_\_\_\_\_  
Jeffrey B. Haendler  
Registration No. 43,652

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391  
Facsimile: (503) 228-9446